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BEFORE THE ARIZONA CORPORATION  
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AZ CORP COMMISSION  
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Arizona Corporation Commission  
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IN THE MATTER OF THE  
APPLICATION OF ARIZONA WATER  
COMPANY, AN ARIZONA  
CORPORATION, TO EXTEND ITS  
EXISTING CERTIFICATE OF  
CONVENIENCE AND NECESSITY AT  
CASA GRANDE, PINAL COUNTY,  
ARIZONA.

DOCKET NO. W-01445A-03-0559

CORNMAN TWEEDY'S  
MOTION FOR MODIFICATION  
OF PROCEDURAL SCHEDULE

EXPEDITED RELIEF  
REQUESTED

Following a Procedural Conference held October 16, 2007, wherein all parties agreed to a procedural schedule to govern the above-referenced matter, on November 8, 2008, the Administrative Law Judge ("ALJ") issued a Procedural Order. The Procedural Order specifically ordered all parties to file by February 11, 2008, "pre-hearing briefs of a length *not to exceed five pages on the legal issues* raised by Decision No. 69722 and by the prefiled testimony of the parties in the remand proceeding." (Emphasis added.) On February 4, 2007, a telephonic procedural conference was convened wherein the parties agreed to extend the date for filing rebuttal testimony from February 1, 2008, until February 5, 2008. The ALJ issued a procedural order that same day and restated that the legal issues briefs, not to exceed five pages in length, were to be filed by February 11, 2008. At 4:45 p.m. on February 7, 2008, counsel for Cornman Tweedy received (via e-mail) Arizona Water Company's ("AWC") Motion to Strike most of the pre-filed direct and rebuttal testimony and related exhibits filed by Cornman Tweedy on January 4, 2008, and February 5, 2008, respectively.

Although couched as a motion for procedural relief, there are numerous legal issues and substantive arguments raised in the Motion to Strike that are completely based

1 upon Decision No. 69722 ("Decision") and the pre-filed direct and rebuttal testimony of  
2 Cornman Tweedy. Upon review of the Motion to Strike, one can only conclude that  
3 AWC surreptitiously used the Motion to Strike as a vehicle to exceed the five-page limit  
4 to set forth its view of the legal issues raised by the Decision and the pre-filed direct and  
5 rebuttal testimony of Cornman Tweedy. Accordingly, as Cornman Tweedy is entitled to  
6 file a response to the Motion to Strike and to have adequate time to prepare its response  
7 (which must necessarily address the legal issues raised by AWC that should have been  
8 raised in AWC's five-page legal issues brief), Cornman Tweedy requests that the  
9 procedural schedule be modified as follows so as not to impact the hearing dates:

- 10 • AWC's Motion to Strike shall be considered its legal issues brief pursuant to  
11 the Procedural Orders dated November 8, 2007 and February 4, 2008;
- 12 • Cornman Tweedy shall file its legal issues brief and response to the Motion  
13 to Strike in one combined pleading;
- 14 • Because AWC has exceed the page limit expressly set forth in the  
15 Procedural Orders by five pages, Cornman Tweedy shall be entitled to  
16 prepare a combined legal issues/response pleading not to exceed 10 pages;
- 17 • Cornman Tweedy shall file its combined legal issues/response pleading by  
18 12:00 noon on Thursday, February 14, 2008; and
- 19 • If the ALJ determines that oral argument on AWC's Motion to Strike is  
20 appropriate, such oral argument shall be held at the conclusion of the  
21 evidentiary hearing.

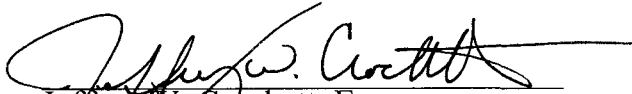
22 In further support of the above-requests, it should be noted that Cornman Tweedy  
23 had previously filed its direct testimony and exhibits on January 4, 2008, one month prior  
24 to the February 4, 2008 telephonic procedural conference. AWC's Motion to Strike,  
25 which largely relates to Cornman Tweedy's direct testimony and exhibits, was filed a  
26 mere three days later. At the very least, AWC should have informed the ALJ and the  
27 parties at the telephonic procedural conference that it was sitting on a Motion to Strike  
28 essentially all of Cornman Tweedy's testimony in the case so that further modifications to

1 the procedural schedule (such as the relief requested herein) could have been discussed.  
2 Instead, AWC sprung its Motion to Strike on the parties and the ALJ essentially one  
3 business day before the issues brief was due and one week prior to the start of the hearing.

4 Because the deadline for Cornman Tweedy to file its legal issues brief is this  
5 Monday, February 11, 2008, Cornman Tweedy respectfully requests a ruling on this  
6 Motion for Modification of Procedural Schedule before the close of business today in  
7 order to have sufficient time to prepare its pleading. If the ALJ believes that it is  
8 necessary to hold a procedural conference before ruling on this request, Cornman Tweedy  
9 will be available to participate in person or via telephone.

10 RESPECTFULLY submitted this 8th day of February, 2008.

11 SNELL & WILMER

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13   
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17 ORIGINAL and thirteen (13) copies of the  
18 foregoing filed with Docket Control  
this 8th day of February, 2008.

19 COPY of the foregoing hand-delivered  
20 this 8th day of February, 2008, to:

21 Mike Gleason, Chairman  
22 William A. Mundell, Commissioner  
23 Jeff Hatch-Miller, Commissioner  
24 Kristin K. Mayes, Commissioner  
Gary Pierce, Commission  
ARIZONA CORPORATION COMMISSION  
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Phoenix, Arizona 85007

25 Teena Wolfe, Administrative Law Judge  
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13 COPY of the foregoing sent via e-mail  
this 8th day of February, 2008, to:

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